

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley, <i>Co-Chair</i> (1944-2013) MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Elliot R. Feldman, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP Paul J. Hanly, Jr., <i>Co-Liaison Counsel</i> SIMMONS HANLY CONROY LLP	J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

VIA ECF AND FACSIMILE

December 21, 2016

The Honorable George B. Daniels
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

RE: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD)

Dear Judge Daniels:

The Plaintiffs' Executive Committees, on behalf of all plaintiffs, and defendants Kingdom of Saudi Arabia and Saudi High Commission for Relief of Bosnia & Herzegovina (defendants), jointly write to request a brief adjournment of the case management conference currently scheduled for January 18, 2017 and associated deadlines, in light of the current status of proceedings before the Second Circuit.

As Your Honor is aware, the parties to the pending Second Circuit appeal jointly moved in October to have the cases at issue in the appeal remanded to the district court for further proceedings in light of the recent enactment of the Justice Against Sponsors of Terrorism Act (JASTA). Because the joint application requested that the Court vacate the underlying orders of dismissal, we understand from conversations with the assigned case manager that the Second Circuit's procedures require that the staff counsel prepare a written opinion for consideration by the three judge panel that will decide the motion. We further understand that there is a substantial likelihood that a decision will not issue on the motion before January 18, 2017. Thus, this Court may not yet have jurisdiction over the claims before the Second Circuit by that date. However, we do believe that the joint motion for remand will have been decided by the end of January.

Meanwhile, three new actions have been filed against the Kingdom of Saudi Arabia in the last few weeks, and the Plaintiffs' Executive Committees are presently undertaking steps to

The Honorable George B. Daniels
December 21, 2016
Page 2

consolidate those new actions, as well as a case filed in the United States District Court for the District of Columbia on September 30, 2016, into the MDL.

Under the circumstances, plaintiffs and defendants believe it would be advisable to adjourn the case management conference currently scheduled for January 18, 2017 to a date in early February. Counsel for the Kingdom of Saudi Arabia has argument in a separate matter before the Second Circuit on February 9, 2017, and if it would also be convenient for the Court, an adjournment of the conference to February 8 or 10 would be especially convenient for the parties.

The parties also request a corresponding extension of the deadline for plaintiffs to provide their proposed amended pleading as to Saudi Arabia from December 30, 2016 to January 20, 2017. This adjustment will still allow the Kingdom ample opportunity in advance of the case management conference to review the proposed amended pleading, and will afford the Plaintiffs' Executive Committees additional time necessary for the ongoing discussions aimed at arriving on a uniform draft of the proposed pleading.

Finally, plaintiffs note that Judge Netburn had previously scheduled a discovery conference for January 18, 2017, at which plaintiffs and Dallah Avco are scheduled to present argument concerning plaintiffs' motion to compel as to that defendant. Dallah Avco has expressed its preference that the argument proceed as scheduled on January 18, 2017.

Respectfully,

COZEN O'CONNOR



By: Sean P. Carter

SPC/:bdw
Enclosure

cc: The Honorable Sarah Netburn (via ECF)
All MDL Counsel of Record (via ECF)